

# **EXHIBIT A**

1 SYED NAZIM ALI  
2 ATTORNEY PRO PER  
3 65 Washington St Suite # 225  
4 Santa Clara, CA 95050  
5 408-372-1150  
6 Email: [Alex@Cyberlaw101.Com](mailto:Alex@Cyberlaw101.Com)

7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
8 **FOR COUNTY OF SANTA CLARA**  
9 **191 N. FIRST STREET, SAN JOSE, CA 95113**

11  
12 **SYED NAZIM ALI,**

13  
14 Plaintiff,

15 vs.

16 **INTEL CORPORATION**

17  
18 Defendant.  
19  
20

**Case No: 18CV328959**  
**PROOF OF SERVICE**

21  
22 **Proof Of Service By Mail**

23  
24 PROOF OF SERVICE

I declare that: I Gaurang Metha, not a party, resident of/employed in the county of Santa Clara, California. I am over the age of eighteen years, my (business/residence) address is 65 Washington Street, Santa Clara, CA 95050.

On 1<sup>st</sup> June 2018, I have served the following listed set of documents:

1. **Summon**
2. **Complaint**
3. **Civil Case Coversheet**
4. **Exhibits A & B**
5. **Civil Lawsuit Notice**

In above said case, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully paid through using following listed method and address as follows:

- ☒ FEDEX with Delivery Tracking
- ☐ U.S Priority with Delivery Tracking
- ☐ Regular U.S Mail
- ☐ Email Address (Electronic Mailing):

**Intel Corporation**  
**2200 Mission College Blvd**  
**Santa Clara, CA 95054**  
**Att: Gina Chang / Legal Dept.**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on this date 1<sup>st</sup> June 2018, at Santa Clara, California.

Name: **Gaurang Metha**

Signature; 

PROOF OF SERVICE

**SUMMONS**  
**(CITACION JUDICIAL)**

**NOTICE TO DEFENDANT:**  
**(AVISO AL DEMANDADO):**

INTEL CORPORATION, INC

**YOU ARE BEING SUED BY PLAINTIFF:**  
**(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

Syed Nazim Ali

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

(ENDORSED)

**FILED**  
MAY 31 2018

Clerk of the Court  
Superior Court of CA County of Santa Clara  
BY R. Jimenez DEPUTY

**NOTICE!** You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

**¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta.

Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es): Superior Court, County of Santa Clara

201 N 1st

San Jose, CA 95113

CASE NUMBER:  
(Número del Caso):

18CV328959

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

DATE: **MAY 31 2018**  
(Fecha)

Clerk, by  
(Secretario)

**R. Jimenez**

, Deputy  
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]

**NOTICE TO THE PERSON SERVED:** You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):
3. ☐ on behalf of (specify):  
under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)  
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)  
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)  
☐ other (specify):
4. ☐ by personal delivery on (date):



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>SYED NAZIM ALI, PRO PER</b> 65 Washington St Suite # 225 Santa Clara, CA 95050 Alex@Cyberlaw101.Com TELEPHONE NO.: 408-372-1150 FAX NO.: 951-710-9726		FOR COURT USE ONLY  <b>(ENDORSED)</b> <div style="font-size: 2em; font-weight: bold; letter-spacing: 0.5em;">FILED</div> MAY 31 2018  Clerk of the Court Superior Court of CA County of Santa Clara BY <u>R. Jimenez</u> DEPUTY
ATTORNEY FOR (Name): <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA</b> STREET ADDRESS: <b>201 N 1st</b> MAILING ADDRESS: CITY AND ZIP CODE: <b>San Jose, CA 95113</b> BRANCH NAME: <b>CIVIL</b>		
CASE NAME: <b>Ali v. INTEL CORPORATION, INC</b>		
<b>CIVIL CASE COVER SHEET</b> <input checked="" type="checkbox"/> <b>Unlimited</b> (Amount demanded exceeds \$25,000)	<input type="checkbox"/> <b>Limited</b> (Amount demanded is \$25,000 or less)	<b>Complex Case Designation</b> <input type="checkbox"/> <b>Counter</b> <input type="checkbox"/> <b>Joinder</b> Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)
CASE NUMBER: <div style="font-size: 1.5em; font-weight: bold;">18CV328959</div>		JUDGE:  DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check **one** box below for the case type that best describes this case:

<b>Auto Tort</b> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) <b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b> <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) <b>Non-PI/PD/WD (Other) Tort</b> <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) <b>Employment</b> <input type="checkbox"/> Wrongful termination (36) <input checked="" type="checkbox"/> Other employment (15)	<b>Contract</b> <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) <b>Real Property</b> <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) <b>Unlawful Detainer</b> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <b>Judicial Review</b> <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<b>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)</b> <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) <b>Enforcement of Judgment</b> <input type="checkbox"/> Enforcement of judgment (20) <b>Miscellaneous Civil Complaint</b> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) <b>Miscellaneous Civil Petition</b> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
---	--	--

2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- |  |  |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties   | d. <input type="checkbox"/> Large number of witnesses  |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence   | f. <input type="checkbox"/> Substantial postjudgment judicial supervision  |
3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☒ punitive
4. Number of causes of action (specify): **Civil Right - Employment Discrimination**
5. This case ☐ is ☐ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date:

5/31/18 SYED ALI

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

#### NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2



**INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET**

**To Plaintiffs and Others Filing First Papers.** If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

**To Parties in Rule 3.740 Collections Cases.** A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

**To Parties in Complex Cases.** In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

**CASE TYPES AND EXAMPLES****Auto Tort**

Auto (22)—Personal Injury/Property Damage/Wrongful Death  
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

**Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort**

Asbestos (04)  
Asbestos Property Damage  
Asbestos Personal Injury/Wrongful Death  
Product Liability (*not asbestos or toxic/environmental*) (24)  
Medical Malpractice (45)  
Medical Malpractice—Physicians & Surgeons  
Other Professional Health Care Malpractice  
Other PI/PD/WD (23)  
Premises Liability (e.g., slip and fall)  
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)  
Intentional Infliction of Emotional Distress  
Negligent Infliction of Emotional Distress  
Other PI/PD/WD

**Non-PI/PD/WD (Other) Tort**

Business Tort/Unfair Business Practice (07)  
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)  
Defamation (e.g., slander, libel) (13)  
Fraud (16)  
Intellectual Property (19)  
Professional Negligence (25)  
Legal Malpractice  
Other Professional Malpractice (*not medical or legal*)  
Other Non-PI/PD/WD Tort (35)

**Employment**

Wrongful Termination (36)  
Other Employment (15)

**Contract**

Breach of Contract/Warranty (06)  
Breach of Rental/Lease  
Contract (*not unlawful detainer or wrongful eviction*)  
Contract/Warranty Breach—Seller Plaintiff (*not fraud or negligence*)  
Negligent Breach of Contract/Warranty  
Other Breach of Contract/Warranty  
Collections (e.g., money owed, open book accounts) (09)  
Collection Case—Seller Plaintiff  
Other Promissory Note/Collections Case  
Insurance Coverage (*not provisionally complex*) (18)  
Auto Subrogation  
Other Coverage  
Other Contract (37)  
Contractual Fraud  
Other Contract Dispute

**Real Property**

Eminent Domain/Inverse Condemnation (14)  
Wrongful Eviction (33)  
Other Real Property (e.g., quiet title) (26)  
Writ of Possession of Real Property  
Mortgage Foreclosure  
Quiet Title  
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

**Unlawful Detainer**

Commercial (31)  
Residential (32)  
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

**Judicial Review**

Asset Forfeiture (05)  
Petition Re: Arbitration Award (11)  
Writ of Mandate (02)  
Writ—Administrative Mandamus  
Writ—Mandamus on Limited Court Case Matter  
Writ—Other Limited Court Case Review  
Other Judicial Review (39)  
Review of Health Officer Order  
Notice of Appeal—Labor Commissioner Appeals

**Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)**

Antitrust/Trade Regulation (03)  
Construction Defect (10)  
Claims Involving Mass Tort (40)  
Securities Litigation (28)  
Environmental/Toxic Tort (30)  
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

**Enforcement of Judgment**

Enforcement of Judgment (20)  
Abstract of Judgment (Out of County)  
Confession of Judgment (*non-domestic relations*)  
Sister State Judgment  
Administrative Agency Award (*not unpaid taxes*)  
Petition/Certification of Entry of Judgment on Unpaid Taxes  
Other Enforcement of Judgment Case

**Miscellaneous Civil Complaint**

RICO (27)  
Other Complaint (*not specified above*) (42)  
Declaratory Relief Only  
Injunctive Relief Only (*non-harassment*)  
Mechanics Lien  
Other Commercial Complaint Case (*non-tort/non-complex*)  
Other Civil Complaint (*non-tort/non-complex*)

**Miscellaneous Civil Petition**

Partnership and Corporate Governance (21)  
Other Petition (*not specified above*) (43)  
Civil Harassment  
Workplace Violence  
Elder/Dependent Adult Abuse  
Election Contest  
Petition for Name Change  
Petition for Relief From Late Claim  
Other Civil Petition

1 SYED NAZIM ALI  
2 PRO PER  
3 65 Washington St. Suite # 225  
4 Santa Clara, CA 95050  
5 Phone: (408) 372- 1150  
6 Email: [Alex@Cyberlaw101.Com](mailto:Alex@Cyberlaw101.Com)

(ENDORSED)  
**FILED**  
MAY 31 2018

Clerk of the Court  
Superior Court of CA County of Santa Clara  
BY R. Jimenez DEPUTY

7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
8 **FOR THE COUNTY OF SAN CLARA**

10 **SYED NAZIM ALI**  
11 **PLAINTIFF**

12 vs.

13 **INTEL CORPORATION, INC,**  
14 **DEFENDANT**

) **CASE NO.: 18 CV 328959**

) **COMPLAINT FOR DAMAGES**

) **1. DISCRIMINATION BASED ON AGE**

) **2. DISCRIMINATION BASED ON RACE IN**  
) **VIOLATION OF FEHA**

) **3. DISCRIMINATION BASED ON**  
) **NATIONAL ORIGIN**

) **4. DISCRIMINATION BASED ON RACE**  
) **IN VIOLATION OF TITLE VII OF CIVIL**  
) **RIGHTS ACT**

) **5. DISCRIMINATION BASED ON**  
) **RELIGION**

) **6. RETALIATION IN VIOLATION OF**  
) **FEHA**

) **7. INTENTIONAL INFLECTION OF**  
) **EMOTIONAL DISTRESS**

) **DEMAND FOR JURY TRIAL**



**INTRODUCTORY STATEMENT**

This is an action brought by the Plaintiff, SYED NAZIM ALI ("Plaintiff" or "Ali.") for damages against Defendant INTEL CORPORATION ("Defendant" or "Intel") for its discriminatory treatment in the selection and hiring of Plaintiff's as an employee which is considered as a violation of the Civil Rights Act of 1866, 42 U.S. C. § 1981, as amended by the Civil Rights Act of 1991("Section 1981"); Title VII of the Civil Rights Act of 1964, 42 U.S. C. §§ 2000e, et. seq. as amended ("Title VII"); the California Fair Employment and Housing Act, Government Code §§ 12940, et seq and Age Discrimination in Employment Act, 29 U.S. C.A. § 621, et seq. ("ADEA"); and parallel California law.

**PARTIES**

1. Plaintiff, Syed Nazim Ali is a resident of the County of Santa Clara, State of California.

During the entire period of time at issue in this lawsuit, Plaintiff resided in Santa Clara County, in the State of California.

2. Intel is a corporation headquarters in Santa Clara, California and doing business in the State of California for Santa Clara County.

3. Plaintiff is informed and believes, and thereon alleges, that the Defendant was and at all times herein mentioned, was acting within the course and scope of employment relationship.

**JURISDICTION AND VENUE**

4. Venue is proper in this judicial district, pursuant to California Code of Civil Procedure § 395(a). Defendant resides and /or transacts business in the County of Santa Clara, and is within the jurisdiction of this Court for purposes of service of process.



1 5. Jurisdiction and venue are proper in the this Court because all of the claims alleged  
2 herein arose in Santa Clara County and all of the Defendants were and/or are residents of  
3 Santa Clara County or are doing business in Santa Clara County, and/or their principal  
4 place of business is in Santa Clara County, in each case, at all times relevant herein. The  
5 amount in controversy is within the jurisdiction of the court.

6  
7 **NATURE OF CASE**

- 8 6. Ali has worked in the Information Technology industry for over twenty years which  
9 includes regulatory compliance audits and cyber security along with risk assessments.
- 10 7. The Plaintiff's experience and expertise has allowed him to work for a variety of the top  
11 U.S. clients, Federal Government, California State Government and other top  
12 corporations.
- 13 8. The Plaintiff's training consisted of professional accreditation by internationally  
14 recognized governance bodies like ISACA, ISCS along with highly desirable  
15 security certifications that includes but not limited to CISSP, CISA, CISM, CRISC,  
16 MCDBA.
- 17 9. On or about April 3, 2017 , the Ali applied for nine positions to the Intel which are  
18 listed below:
- 19 a. **IT Security Consultant - Job Number 787430**
  - 20 b. **Security Sales Engineer – Job Number 790177**
  - 21 c. **IT Security Consultant/Risk & Compliance – Job Number JR0802593**
  - 22 d. **Chief Compliance Officer – Intel Security – Job Number JR0008859**
  - 23 e. **Solution Architect – Job Number JR0015706**
  - 24 f. **Corporate Security Executive Protection Specialist – Job Number JR0011166**
  - 25
  - 26
  - 27
  - 28

1                   g. Senior Security Researcher and Solution Architect – Job Number JR0017323

2                   h. Privacy Analyst – Job Number JR0010714

3                   i. Senior Cloud Architect - Job Number JR0009576

4  
5           10. The Plaintiff had the experience, certification and training for the position in which he  
6           applied for with the Defendant. Yet, the Defendant refused to hire him.

7           11. The Plaintiff's had inquired about the job and status of his application but the Defendant  
8           did not hire him.

9           12. Ali applied for nine positions and no one from the Defendant's office ever contacted him  
10          regarding an interview even though he was well qualified for all of the positions.

11          13. Intel has systematically discriminated against people that are similar to the Plaintiff who  
12          are over the age of forty and their race is of a Pakistan decent who regularly practices and  
13          adheres to the Muslim religion.

14          14. Intel did not hire the Ali because of their unfair and bias employment practices.

15          15. The Defendant had engaged in discrimination against the Plaintiff because of his race of  
16          being of the Pakistan decent.

17          16. The Defendant discriminated against the Plaintiff because of the Plaintiff is from Pakistan  
18          which is his national origin.

19          17. The Plaintiff is over the age of 40 years of age. The Defendant discriminated against the  
20          Plaintiff because of his age.

21          18. The Defendant's recruiting and hiring policies, patterns, and/or practices have a disparate  
22          impact on applicants 40 years of age or older because they deter applicants 40 years of  
23          age or older from applying and disfavor hiring those applicants 40 years of age or older  
24          who do apply.

25          19. The Defendant's culture and practices have distributed the benefits of its enormous  
26          success unequally—systematically favoring younger applicants at the expense of their  
27          older counterparts. Individuals 40 years of age and older are rarely in a Management  
28

1 position at Intel because of their practices of screening or hiring those potential  
2 employees who are over the age of forty.

3 20. As a result of this bias against older workers who are equally or more qualified have been  
4 systematically excluded from the career opportunities that are afforded to people who  
5 work for Intel.

6 21. The Plaintiff has been discriminated and retaliated against by the Defendant due to his  
7 race, national origin, religion and unfair employment selection and hiring practices.

8 22. The Defendant has used one protected class in their hiring and selection process with is  
9 South Indian and Indians and they are the ones who sometimes make the decisions as to  
10 which employees to hire.

11 23. This discriminatory practice was evident for all nine positions in which the Plaintiff  
12 applied for but never was hired for either of the positions.

13 24. The Defendant has a preference for people who are of the South Indians and Indians  
14 decent who are in management and clearly retaliated and discriminated against Ali due to  
15 his race, national origin, and religion.

16 25. Ali was not selected for the job in which he was well qualified to do and had the  
17 experience and educational credentials.

18 26. Ali continued to apply for other jobs with Intel. These jobs were offered to one protected  
19 class (South Indian or Indian) due to Intel's unfair and biased employment practices.

20 27. Intel has a pattern of protecting a protective class in their hiring process in many cases  
21 these employees are not permanent residents, nor US. Citizen and are on H-1 visa.

22 28. Intel has systematically engaged in a continuous process of failing to hire local people  
23 from within the area and United States for those specialty jobs of Information  
24 Technology in which the Plaintiff is a part of that class that has been discriminated  
25 against.

26 29. The Plaintiff has suffered from physical, emotional and psychological damages due to the  
27 Defendant systematic discrimination and retaliation against him because of his race,  
28 nation origin and religion.



1 30. Defendant such unfair and unlawful act of hiring only one-protected class can be seen as  
2 Exhibit "B" where the anti-white bias and discriminatory lawsuit has filed against  
3 Cognizant who prefer to hire one-protected class of worker over local workers who are  
4 less qualified.

5 31. Defendant has been following the same trend over past 10 years, neglecting U.S local  
6 eligible and qualified workers and law abiding citizens and permanent residents who  
7 apply jobs at Defendant by not job are not fairly and equally offered that cost loss of  
8 obtain a fair employment to Plaintiff, that impacted Plaintiff normal life being a local  
9 Citizen of this County, well-qualified, and became jobless, depressed, anger, upset and  
10 frustrated, and impacted his normal life style due to Defendant on-going hiring practices  
11 that impacted Plaintiff and local qualified workers.

12  
13 32. Defendant which only focused, prefer to hire one-protected class due to majority of the  
14 work in IT domain controlled by one-protected class and they dominate the hiring, firing  
15 and selecting criteria and decision- The Company executive and senior management are  
16 disabled and have no authority overseeing the fair and equal employment practices.

17  
18  
19 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

20 33. Prior to the initiation of this lawsuit, Plaintiff filed a complaint with the Equal  
21 Employment Opportunity Commission. On June 5, 2017, the Plaintiff filed a complaint  
22 with the EEOC officer. A true and correct copy of the administrative complaint is  
23 attached as Exhibit "A." The Plaintiff brings this action timely in order to adjudicate his  
24 position in this case against the Defendant.

25  
26 34. Before filing this lawsuit, in good faith, Plaintiff has reminded the Defendant about  
27 Plaintiff Civil Right Violation and requested the Defendant to offer the employment for  
28



1 which he has applied and qualified. Defendant denied and failed to offer. Lawsuit is filed  
2 for purpose of seeing the fair-justice by judicial system and jury members.

3  
4 **FIRST CAUSE OF ACTION**

5 **DISCRIMINATION BASED ON AGE**

6  
7 35. Plaintiff hereby repeats and realleges each allegation contained in the paragraphs above.

8 36. Upon information and belief, Defendant discriminated against Plaintiff on the basis of  
9 Plaintiff's age, in the terms of failing to hire the Plaintiff because of his age.

10 37. Plaintiff was discriminated against because he is over the s age of 40 and the Defendant  
11 discriminated against him which is a violation of the Age Discrimination in Employment  
12 Act, 29 U.S. C. A. § 621.

13 38. Intel's culture and practices have distributed the benefits of its enormous success  
14 unequally—systematically favoring younger applicants at the expense of their older  
15 counterparts. Individuals 40 years of age and older are rarely in an IT or Data Security  
16 position at Intel.

17 39. Intel maintains hiring policies and practices for giving preference to younger employees  
18 that result in the disproportionate employment of younger applicants. Intel's unlawful  
19 bias against older workers manifests itself in several ways, including but not limited to:  
20 (1) a near-exclusive reliance on a recruitment system which target younger applicant or  
21 applicant from other countries, (2) a focus on attracting and retaining "Millennials," As a  
22 result of this bias against older workers, s who are equally or more qualified have been  
23 systematically excluded from the career opportunities that are afforded to people who  
24 work for Intel.

25 40. Intel's recruiting and hiring policies, patterns, and/or practices have a disparate impact on  
26 applicants 40 years of age or older because they deter applicants 40 years of age or older  
27 from applying and disfavor hiring those applicants 40 years of age or older who do apply.  
28

1 41. In addition, Intel has a continuing policy, pattern, and/or practice of subjecting all  
2 Associate applicants 40 years of age or older to disparate treatment. Namely, Intel  
3 intentionally disfavors hiring people 40 years of age or older for both entry-level and  
4 Experienced-level Associate positions. Upon information and belief, when applicants 40  
5 years of age or older apply for an Associate position, regardless of level, Intel  
6 intentionally screens them out and denies them employment opportunities because of  
7 their age.

8 42. As part of its regular business practice, Intel has intentionally, willfully, and repeatedly  
9 engaged in a pattern, practice, and/or policy of violating the ADEA with respect to  
10 Plaintiff.

11 43. Intel maintained and implemented these policies and practices with the purpose and effect  
12 of denying Plaintiff employment opportunities because of his age. These policies cannot  
13 be justified on the basis of reasonable factors other than age.

14 44. Intel is aware or should have been aware that federal law requires it to conduct  
15 recruitment and hiring for the Covered Positions without regard to an applicant's age.  
16

17 45. Plaintiff is consequently entitled to compensatory and liquated damages, together to with  
18 Other authorized relief.  
19

20 **SECOND CAUSE OF ACTION**  
21 **DISCRIMINATION BASED ON RACE**  
22 **IN VIOLATION OF FEHA**  
23  
24

25 46. Upon information and belief, Defendant discriminated against Plaintiff on the basis of  
26 Plaintiff's race, in the terms and conditions of Plaintiff's employment, resulting in him  
27 not being employed by the Defendant.

28 47. The Plaintiff has applied for seven position related to cyber security and engineering.

1 48. The Defendant has failed to hire the Plaintiff based on their discriminatory selection and  
2 hiring practices.

3 49. At all times herein mentioned, the Fair Employment and Housing Act, Govt.Code §§  
4 12900-12996 (hereinafter "FEHA"), was in full force and effect and binding on  
5 Defendants. These statutes required Defendants to refrain from discriminating against any  
6 employee on the basis of race.

7 50. The Defendant has discriminated against the Plaintiff based on his race and their selection  
8 and hiring process which is a violation of FEHA.

9 51. Plaintiff has been unable, despite reasonable efforts, to find comparable employment.

10 52. As a proximate result of Defendant's discrimination against Plaintiff on the basis of his  
11 race, Plaintiff has suffered and continues to suffer substantial losses, including the loss  
12 of past and future earnings, deferred compensation, and other employment benefits.

13 53. As a further proximate result of Defendant's actions,  
14 Plaintiff has suffered and continues to suffer impairment and damage to Plaintiff's  
15 good name and reputation by Defendant.

16 54. As a further proximate result of Defendant's actions, Plaintiff has suffered and  
17 continues to suffer severe and lasting embarrassment, humiliation, mental and emotional  
18 pain and distress and discomfort, all to his detriment and damages in amounts not fully  
19 ascertained but within the jurisdiction of this court and subject to proof at the time of  
20 trial.

21 55. The conduct of the Defendant was outrageous and malicious, was intended to injure  
22 Plaintiff, and was done with reckless indifference to Plaintiff's protected civil rights,  
23 entitling Plaintiff to an award of punitive damages.

24 56. Wherefore, Plaintiff seeks relief.  
25  
26  
27  
28



**THIRD CAUSE OF ACTION**

**DISCRIMINATION BASED ON NATIONAL ORIGIN**

57. Plaintiff hereby repeats and realleges each allegation contained in the paragraphs above.

54. Upon information and belief, Defendant discriminated against Plaintiff on the basis of Plaintiff's national origin of being from Pakistan and refused to hire him.

55. Plaintiff was discriminated against because of his national origin of being a Pakistan which is a violation of Title VII of the Civil Rights Act of 1964, 42 U.S. C. §§ 2000e by the Defendant.

56. The Defendant t failed to offer employment opportunities to the Plaintiff despite his expertise in cyber security, professional certification and over 20 years of working in the information technology industry because of his national origin of being a Pakistan decent.

57. Plaintiff is entitled to compensatory and liquated damages, together to with other authorized relief.

**FOURTH CAUSE OF ACTION**

**DISCRIMINATION BASED ON RACE**

**TITLE SEVEN OF THE**

**CIVIL RIGHTS ACT**

58. Plaintiff hereby repeats and realleges each allegation contained in the paragraphs above.

59. Upon information and belief, Defendant discriminated against Plaintiff on the basis of Plaintiff's race, in the terms of the Defendant's selection and hiring process whereby they failed to hire the Plaintiff.

60. Plaintiff was discriminated against because of his race of being a Pakistan Muslim which is a violation of Title VII of the Civil Rights Act of 1964, 42 U.S. C. §§ 2000e by the Defendant.

61. Intel discriminated against the Ali in terms of hiring him for any of the seven positions in which he applied for and he is well qualified to complete the position. The Defendants and their managers whom many were of the South Indian and Indian descent discriminated



1 against Ali because of his race of being from Pakistan. There actions on behalf of the  
2 Defendant continue their discriminatory and retaliatory process against Ali which resulted in  
3 him not being hired.

4 62. The Defendant failed to offer employment opportunities to the Plaintiff despite his  
5 expertise in cyber security, professional certification and over 20 years of working in the  
6 information technology industry because of his race of being a Pakistan Muslim.

7 63. The Defendant has violated the fair equal employment practices denying jobs to U.S.  
8 citizens.

9 64. The Plaintiff has been discriminated against because of his expert professional work  
10 intelligence, and his race.

11 65. As a proximate results of the conduct of the Intel, Ali has suffered and will  
12 continue to suffer damages in terms of lost wages, lost bonuses, lost benefits, and other  
13 pecuniary loss according to proof. Ali has also suffered and will continue to suffer physical  
14 and emotional injuries including nervousness, humiliation, depression, anguish,  
15 embarrassment, fright, shock, pain, discomfort, fatigue, and anxiety. The amount of Ali's  
16 damages will be ascertained at trial.

17 66. In committing the foregoing act, Intel has been guilty of oppression, fraud, and/or  
18 malice under California Civil Code section 3294, thereby entitling Ali to punitive damages  
19 in a sum appropriate to punish and make an example in an attempt to prevent future conduct.

20 67. The act of oppression, fraud, and/or malice was engaged in by the employees of Cisco.

21 68. Intel had advance knowledge of the unfitness of each employee who acted with  
22 oppression, fraud, and/or malice, and/or authorized or ratified the wrongful conduct for  
23 which an award of punitive damages is sought, and/or was personally guilty of oppression  
24 fraud and/or malice. The advance knowledge and conscious disregard, authorization,  
25 ratification, or act of oppression, fraud, and/or malice was committed by or on part of an  
26 officer, management or director of Intel, thereby entitling Ali to punitive and exemplary  
27 damages again Intel in accordance with California Civil Code section 3294 in a sum  
28 appropriate to punish and make an example of Intel.

1 69. Ali has been generally damaged in an amount within the jurisdictional limits of this  
2 Court.

3 **FIFTH CAUSE OF ACTION**

4 **DISCRIMINATION BASED ON RELIGION**

5 70. Plaintiff hereby repeats and realleges each allegation contained in the paragraphs above.

6 71. Upon information and belief, Defendant discriminated against Plaintiff on the basis of  
7 Plaintiff's religion, in the terms and conditions of the Defendant's discriminatory selection  
8 and hiring practices.

9 72. Plaintiff was discriminated against because of his religion of being a Muslim, Islam  
10 which is a violation of Title VII of the Civil Rights Act of 1964, 42 U.S. C. §§ 2000e by  
11 the Defendant.

12 73. The Defendant with the Senior Management who was South Indian and Indian failed to  
13 offer employment opportunities to the Plaintiff despite his expertise in cyber security,  
14 professional certification and over 20 years of working in the information technology  
15 industry because of his religion of being Muslim and Islam.

16 74. Plaintiff is entitled to compensatory and liquated damages, together to with other  
17 authorized relief.

18  
19 **SIXTH CAUSE OF ACTION**

20 **RETALIATION IN VIOLATION OF FEHA**

21  
22 75. Plaintiff hereby repeats and realleges each allegation contained in the paragraphs above.

23 76. Intel retaliated against Ali in terms of their hiring and selection process which is a  
24 violation of FEHA.

25 77. The Defendants has a staff made up of South Indian and Indian that retaliated against  
26 Ali and failed to hire him even though he has the credentials to complete the job. Ali has  
27 been a victim of discrimination and retaliation based on all of the position that he has  
28 applied for with Intel.

1 78. The management team of the Defendant has a habit and practice of victimizing Mr. Ali  
2 with retaliation and discrimination that ended in Ali not been hired for several positions.

3 79. As a proximate result of the conduct of Intel, Ali has suffered and will continue to suffer  
4 damages in terms of lost wages, lost bonuses, lost benefits, and other pecuniary loss  
5 according to proof. Ali has also suffered and will continue to suffer physical and emotional  
6 injuries, including nightmares, nervousness, humiliation, depression, anguish,  
7 embarrassment, fright, shock, pain, discomfort, fatigue, and anxiety. The amount of Ali's  
8 damages will be ascertained at trial.

9 80. In committing the foregoing act, Intel has been guilty of oppression, fraud, and/or  
10 malice under California Civil Code section 3294, thereby entitle Ali to punitive damages in  
11 a sum appropriate to punish and make an example in an attempt to prevent future conduct.

12 81. The act of oppression, fraud, and/or malice was engaged in by the employees of Intel.  
13 Intel had advance knowledge of the unfitness of each employee who acted with oppression,  
14 fraud, and/or malice, and/or authorized or ratified the wrongful conduct for which an award  
15 of punitive damages is sought, and/or was personally guilty of oppression fraud and/or  
16 malice. The advance knowledge and conscious disregard, authorization, ratification, or act  
17 of oppression, fraud, and/or malice was committed by or on part of an officer, management  
18 or director of Intel, thereby entitling Ali to punitive and exemplary damages again Intel in  
19 accordance with California Civil Code section 3294 in a sum appropriate to punish and  
20 make an example of Intel.

21 82. Ali has been generally damaged in an amount within the jurisdictional limits of this  
22 Court.

### 23 **SEVENTH CAUSE OF ACTION**

#### 24 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

25 83. Plaintiff hereby repeats and realleges each allegation contained in the paragraphs above.

26 84. The conduct of the Defendant's senior executives as set forth above was so extreme and  
27 outrageous that it exceeded the boundaries of human decency and was beyond pale of  
28 conduct tolerated in a civilized society. This conduct was intended to cause severe



1 emotional distress, or was done in reckless disregard of the probability of causing severe  
2 emotional distress.

3 85. In an actual and proximate results of Defendant's wrongful conduct, Plaintiff has  
4 Suffered and continues to suffer severe and continuous humiliation, emotional distress, and  
5 physical and mental pain and anguish, all to his damage in an amount according to proof at  
6 the time of trial.

7 86. Defendant committed the acts alleged herein maliciously, fraudulently, and oppressively,  
8 with the wrongful intention of injuring Plaintiff, and acted with an improper and evil motive  
9 amounting to malice and in conscious disregard of Plaintiff's rights. Because the acts taken  
10 toward the Plaintiff were carried out by the Defendant acting in a deliberate, cold, callous,  
11 and intentional manner in order to injure and damage Plaintiff, he is entitled to recover  
12 punitive damages from Defendants in an amount according to proof.

13  
14 **PRAYER FOR RELIEF**

15 **(As to All Causes of Action)**

16 1. For general damages, including emotional distress damages, according to the proof of each  
17 cause of action for which such damages are available.

18 2. For special damages, according to proof on each cause of action for which such damages are  
19 available.

20 3. For compensatory damages, including emotional distress damages, according to proof of  
21 each cause of action for which such damages are available.

22 4. For punitive damages, according to proof on each cause of action for which such damages  
23 are available.

24 5. For declaratory and injunctive relief as appropriate.

25 6. For prejudgment interest and post-judgment interest according to the law.

26 7. For cost of suit incurred in this action.

27 8. For such other and further relief and the Court deems proper and just.



1 Respectfully Submitted,

2  
3 DATED: ~~May 28, 2018~~

4   
5 SYED NAZIM ALI  
6 In Pro Per / Plaintiff 5/31/18  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

# **EXHIBT “A”**

## **EEOC /DFEH Right to Sue Authority**



STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency

GOVERNOR EDMUND G. BROWN, JR.

**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

2218 Kausen Drive, Suite 100 | Elk Grove | CA 95758  
800-884-1684 | TDD 800-700-2320  
www.dfeh.ca.gov | email: contact.center@dfeh.ca.gov

DIRECTOR KEVIN KISH

EEOC Number: 556-2017-00486

Case Name: Syed N. Ali v. INTEL CORPORATION, INC

Filing Date: June 26, 2017

**NOTICE TO COMPLAINANT AND RESPONDENT**

This is to advise you that the above-referenced complaint is being dual filed with the California Department of Fair Employment and Housing (DFEH), a state agency, and the United States Equal Employment Opportunity Commission (EEOC), a federal agency. The complaint will be filed in accordance with California Government Code section 12960. The notice constitutes service pursuant to Government Code section 12962.

The EEOC is responsible for the processing of this complaint and the DFEH will not be conducting an investigation into this matter. Please contact EEOC directly for any discussion of the complaint or the investigation.

**NOTICE TO COMPLAINANT OF RIGHT TO SUE**

This letter is also your state Right to Sue notice. This state Right to Sue Notice allows you to file a private lawsuit. According to Government Code section 12965, subdivision (b), you may bring a civil action under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above- referenced complaint. The lawsuit may be filed in a State of California Superior Court.

Government Code section 12965, subdivision (b), provides that such a civil action must be brought within one year from the date of this notice or, pursuant to Government Code section 12965, subdivision (d)(2), 90 days from receipt of the federal right-to-sue letter from the EEOC, whichever is later. You should consult an attorney to determine with accuracy the date

by which a civil action must be filed. This right to file a civil action may be waived in the event a settlement agreement is signed.

Be advised, the DFEH does not retain case records beyond three years after a complaint is filed.



# EXHIBT “B”

**Silicon Valley Employers Common  
Practices On Unlawful / Unfair Hiring  
Practices Only One-Protected Class  
and Lawsuit Filed Against Cognizant**

04:05 PM | 06 APR | CLOSED

MARKET STATS ▾

SENSEX

33,626 ▲ 30.17

NIFTY 50

10,331 ▲ 6.45

GOLD (MCX) (Rs/10g.)

30,703.00 ▲ 156.00

USD/INR

64.97 ▲ 0.01

CREATE  
PORTFOLIODownload ET  
MARKETS APPCHOOSE  
LANGUAGE  
ENG

# Cognizant, number one H-1B visa sponsor, battles anti-white bias lawsuit

BY BLOOMBERG | UPDATED: MAR 19, 2018, 04:48 PM IST

Post a Comment

Cognizant Technology Solutions Corp., the biggest U.S. sponsor of H-1B visas for foreign information technology specialists, says a civil rights lawsuit accusing the firm of bias against workers who aren't from India is all wrong.

Three former employees claim they were forced out of their jobs and replaced with "less qualified" South Asians after being poorly treated by their Indian supervisors and colleagues, given unjustifiably low performance ratings and denied promotions.

The company contends that what it's accused of isn't covered by federal civil rights law.

The Civil Rights Act of 1964 "prohibits discrimination on the basis of race, but plaintiffs' factual allegations, on their face, plainly pertain to a claim of discrimination based on national origin – not race," Cognizant said in a court filing. It also said the complaint is clearly targeted at "visa holders, but visa-status allegations have nothing to do with race."

## Broader Backlash

The lawsuit is part of a broader backlash by white IT workers against the visa program that allows U.S. companies to bring in foreign workers for job openings they say can't be filled otherwise. President Donald Trump tapped into this discontentment to capture the White House in 2016.

Trump's "Buy American and Hire American" executive order, signed last April, seeks to ensure that American workers aren't unfairly disadvantaged by employers who allegedly abuse the H-1B visa program.



Trump's "Buy American and Hire American" executive order, signed last April, seeks to ensure that American workers aren't unfairly disadvantaged by employers who allegedly abuse the H-1B visa program.

## RELATED COMPANIES

EXPAND

Wipro

TCS

Infosys

## Big Change:

The end of Five-Year Plans: All you need to know

Recommended By Colombia



If I dont get 48 Lakh, I'll lose my children  
KETTO



12 Cancer Killing Foods You Need To Eat Today  
PreventionPulse

U.S. District Judge Dolly Gee in Los Angeles said Thursday she would rule on Cognizant's request to dismiss the claims without a hearing.

Cognizant received 29,000 H1-B visas last year, according to Homeland Security Department data, about twice as much as Tata Consultancy Services Ltd., second on the list. The biggest U.S. technology companies, such as Amazon.com Inc., Microsoft Corp., and Google Inc., are much further down the list with fewer than 5,000 sponsored visas each.

TCS may have to face a class-action trial later this year in Oakland, California, by American workers who claim they lost their jobs because the company is biased in favor of South Asian IT employees. The same Washington law firm representing the workers from TCS and Cognizant is pressing similar claims against Infosys Ltd. and Wipro Ltd., two other IT outsourcing firms.

TCS, Infosys and Wipro are all based in India. Cognizant's headquarters is in Teaneck, New Jersey.

ATTACHMENT CV-5012

**CIVIL LAWSUIT NOTICE**

Superior Court of California, County of Santa Clara  
191 N. First St., San Jose, CA 95113

CASE NUMBER: **18CV328959****PLEASE READ THIS ENTIRE FORM**

**PLAINTIFF** (the person suing): Within 60 days after filing the lawsuit, you must serve each Defendant with the *Complaint*, *Summons*, an *Alternative Dispute Resolution (ADR) Information Sheet*, and a copy of this *Civil Lawsuit Notice*, and you must file written proof of such service.

**DEFENDANT** (The person sued): You must do each of the following to protect your rights:

1. You must file a written response to the *Complaint*, using the proper legal form or format, in the Clerk's Office of the Court, within 30 days of the date you were served with the *Summons* and *Complaint*;
2. You must serve by mail a copy of your written response on the Plaintiff's attorney or on the Plaintiff if Plaintiff has no attorney (to "serve by mail" means to have an adult other than yourself mail a copy); and
3. You must attend the first Case Management Conference.

Warning: If you, as the Defendant, do not follow these instructions, you may automatically lose this case.

**RULES AND FORMS:** You must follow the California Rules of Court and the Superior Court of California, County of Santa Clara Local Civil Rules and use proper forms. You can obtain legal information, view the rules and receive forms, free of charge, from the Self-Help Center at 99 Notre Dame Avenue, San Jose (408-882-2900 x-2926), [www.sccselfservice.org](http://www.sccselfservice.org) (Select "Civil") or from:

- State Rules and Judicial Council Forms: [www.courtinfo.ca.gov/forms](http://www.courtinfo.ca.gov/forms) and [www.courtinfo.ca.gov/rules](http://www.courtinfo.ca.gov/rules)
- Local Rules and Forms: <http://www.sccsuperiorcourt.org/civil/rule1toc.htm>

**CASE MANAGEMENT CONFERENCE (CMC):** You must meet with the other parties and discuss the case, in person or by telephone, at least 30 calendar days before the CMC. You must also fill out, file and serve a *Case Management Statement* (Judicial Council form CM-110) at least 15 calendar days before the CMC.

You or your attorney must appear at the CMC. You may ask to appear by telephone – see Local Civil Rule 8.

Your Case Management Judge is: Peter Kirwan Department: 19

The 1<sup>st</sup> CMC is scheduled for: (Completed by Clerk of Court)

Date: SEP 11 2018 Time: 3:00 in Department: 19

The next CMC is scheduled for: (Completed by party if the 1<sup>st</sup> CMC was continued or has passed)

Date: \_\_\_\_\_ Time: \_\_\_\_\_ in Department: \_\_\_\_\_

**ALTERNATIVE DISPUTE RESOLUTION (ADR):** If all parties have appeared and filed a completed *ADR Stipulation Form* (local form CV-5008) at least 15 days before the CMC, the Court will cancel the CMC and mail notice of an ADR Status Conference. Visit the Court's website at [www.sccsuperiorcourt.org/civil/ADR/](http://www.sccsuperiorcourt.org/civil/ADR/) or call the ADR Administrator (408-882-2100 x-2530) for a list of ADR providers and their qualifications, services, and fees.

**WARNING:** Sanctions may be imposed if you do not follow the California Rules of Court or the Local Rules of Court.



**Arbitration** is a less formal process than a trial, with no jury. The arbitrator hears the evidence and arguments of the parties and then makes a written decision. The parties can agree to binding or non-binding arbitration. In binding arbitration, the arbitrator's decision is final and completely resolves the case, without the opportunity for appeal. In non-binding arbitration, the arbitrator's decision could resolve the case, without the opportunity for appeal, unless a party timely rejects the arbitrator's decision within 30 days and requests a trial. Private arbitrators are allowed to charge for their time.

Arbitration may be appropriate when:

- The action is for personal injury, property damage, or breach of contract
- Only monetary damages are sought
- Witness testimony, under oath, needs to be evaluated
- An advisory opinion is sought from an experienced litigator (if a non-binding arbitration)

**Civil Judge ADR** allows parties to have a mediation or settlement conference with an experienced judge of the Superior Court. Mediation is an informal, confidential, flexible and non-binding process in which the judge helps the parties to understand the interests of everyone involved, and their practical and legal choices. A settlement conference is an informal process in which the judge meets with the parties or their attorneys, hears the facts of the dispute, helps identify issues to be resolved, and normally suggests a resolution that the parties may accept or use as a basis for further negotiations. The request for mediation or settlement conference may be made promptly by stipulation (agreement) upon the filing of the Civil complaint and the answer. There is no charge for this service.

Civil Judge ADR may be appropriate when:

- The parties have complex facts to review
- The case involves multiple parties and problems
- The courthouse surroundings would be helpful to the settlement process

**Special masters and referees** are neutral parties who may be appointed by the court to obtain information or to make specific fact findings that may lead to a resolution of a dispute.

Special masters and referees can be particularly effective in complex cases with a number of parties, like construction disputes.

**Settlement conferences** are informal processes in which the neutral (a judge or an experienced attorney) meets with the parties or their attorneys, hears the facts of the dispute, helps identify issues to be resolved, and normally suggests a resolution that the parties may accept or use as a basis for further negotiations.

Settlement conferences can be effective when the authority or expertise of the judge or experienced attorney may help the parties reach a resolution.

***What kind of disputes can be resolved by ADR?***

Although some disputes must go to court, almost any dispute can be resolved through ADR. This includes disputes involving business matters; civil rights; collections; corporations; construction; consumer protection; contracts; copyrights; defamation; disabilities; discrimination; employment; environmental problems; fraud; harassment; health care; housing; insurance; intellectual property; labor; landlord/tenant; media; medical malpractice and other professional negligence; neighborhood problems; partnerships; patents; personal injury; probate; product liability; property damage; real estate; securities; sports; trade secret; and wrongful death, among other matters.

***Where can you get assistance with selecting an appropriate form of ADR and a neutral for your case, information about ADR procedures, or answers to other questions about ADR?***

***Contact:***

Santa Clara County Superior Court  
ADR Administrator  
408-882-2530

Santa Clara County DRPA Coordinator  
408-792-2784